

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SAFETY-KLEEN CORP., et al.,

Debtors.

Case No. 06-0354 (GMS)

**OOLENOY VALLY CONSULTING LLC'S MOTION FOR  
CONTINUANCE OF SCHEDULING CONFERENCE**

Oolenoy Valley Consulting LLC, as trustee of the Saftey-Kleen Creditor Trust (the "Trustee"), hereby moves the Court (the "Motion") for an order, continuing the telephonic status and scheduling conference scheduled in this matter for Wednesday, March 28, 2007 at 11:00 a.m. As grounds for this Motion, the Trustee respectfully states as follows:

1. This is a proceeding arising out of the chapter 11 bankruptcy cases of Safety-Kleen Corp. and its affiliated debtors (collectively, the "Debtors"). On August 1, 2003, the Bankruptcy Court entered an order confirming the Modified First Amended Joint Plan of Reorganization of Safety-Kleen Corp. and Certain of its Direct and Indirect Subsidiaries, dated July 21, 2003 (the "Plan"), and on December 24, 2003, the Plan became effective.

2. Pursuant to the Plan, the Safety-Kleen Creditor Trust (the "Creditor Trust") was formed and Oolenoy Valley Consulting LLC was named as trustee of the Creditor Trust. Pursuant to the Plan, the Trustee is empowered to reconcile and resolve certain claims filed against the Debtors' estates.

3. In accordance with the provisions of the Plan, on May 16, 2006, the Trustee moved to withdraw the standing reference made to the Bankruptcy Court with respect to certain personal injury claims listed on the attached Exhibit A. That motion was granted by this Court on June 12, 2006 [D.I. 3] and on September 11, 2006, the Trustee filed its motion to

estimate those personal injury claims and to set a scheduling conference for the purpose of establishing a schedule for the orderly completion of discovery. [D.I. 4].

4. On March 9, 2007, the Court issued an order pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.2(b) setting a telephonic status and scheduling conference with respect to this matter and directing the Trustee to notify the proper parties of the time and date of the conference. That order was served electronically upon Curtis Miller, an associate with the law firm of Morris, Nichols, Arsh & Tunnell LLP, who inadvertently failed to forward it on to the attorney responsible for the matter based on the mistaken assumption that she, too, had been receiving copies of electronic notices filed in the case. *See Declaration of Curtis S. Miller* (Exhibit B hereto). As a result, counsel responsible for the matter did not become aware of the scheduling conference or the Court's request for a joint status report until March 26, 2007 when Mr. Miller received an electronic notice of the Court's oral order inquiring as to the status of the Joint Status Report. *Id.*

5. As the result of the failure of communication within counsel's office, and the fact that the Trustee's counsel did not actually become aware of the scheduling and status conference until March 26, 2007, counsel has not been able to confer with the claimants regarding the issues identified in the Court's March 9, 2007 Order. Accordingly, counsel respectfully requests that the Court continue the conference to a new date so that the appropriate contacts can be made and a Joint Status Report filed addressing the items requested by the Court.

**REQUEST FOR WAIVER OF FILING OF MEMORANDUM OF LAW**

6. In light of the nature of the relief requested, and because this Motion raises no novel issues of law, the Trustee respectfully requests that this Court dispense with the

requirement for the submission of a memorandum of law contained in D. Del. L.R. 7.1.2, except that the Trustee reserves all rights to file a reply brief in support of this Motion.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order continuing the status and scheduling conference in this matter to a new date; and granting such other and further relief as the Court deems just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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\_\_\_\_\_  
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*Attorneys for Oolenoy Valley Consulting LLC as  
Trustee of the Safety-Kleen Creditor Trust*

March 26, 2007

**Exhibit A**

Name	Claim No	Detail Amt	Nature of Claim
ALLWASTE (E. WEBB ET AL.)	6410	Unliquidated	LITIG - BODILY INJURIES
ALLWASTE (J. ORTEGO ET AL.)	9244	Unliquidated	LITIG - BODILY INJURIES
ALLWASTE (J. WHITE ET AL.)	9245	Unliquidated	LITIG - BODILY INJURIES
ALLWASTE (L. SHELTON ET AL.)	9243	Unliquidated	LITIG - BODILY INJURIES
BORTHWICK, DONNA M. & WILLI	4933	\$1,100,000.00	LITIG - BODILY INJURIES
CHMIELARSKI, DONNA	5821	\$13,057.75	LITIG - BODILY INJURIES
CIRINA, BARBARA	6640	Unliquidated	LITIG - BODILY INJURIES
DONNA BORTHWICK	16447	\$1,100,000.00	LITIG - BODILY INJURIES
EARTHA MORRIS	4491	\$13,714.50	LITIG - BODILY INJURIES
GIORDANO, JOHN R.	14882	Unliquidated	LITIG - BODILY INJURIES
HAWKS, WANDA	7349	\$30,000.00	LITIG - BODILY INJURIES
KELLEY, CARLA	6517	\$20,000.00	LITIG - BODILY INJURIES
KUEGELER, MILDRED	5822	\$9,172.74	LITIG - BODILY INJURIES
STEVENSON, KAITLY	7653	\$10,000.00	LITIG - BODILY INJURIES
STOWE, CRAIG A.	16555	\$448,880.66	LITIG - BODILY INJURIES
TARYN GREMLION	5819	\$1,500,000.00	LITIG - BODILY INJURIES
TULLOCK, SHARON	11384	\$5,000,000.00	LITIG - BODILY INJURIES
WILLIE MORRIS	4489	\$11,745.00	LITIG - BODILY INJURIES

**Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SAFETY-KLEEN CORP., et al.,

Debtors.

Case No. 06-0354 (GMS)

**DECLARATION OF CURTIS S. MILLER**

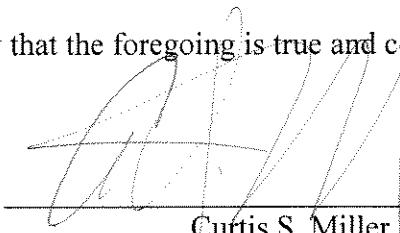
1. I am an associate in the law firm of Morris, Nichols, Arsh & Tunnell LLP, counsel for Oolenoy Valley Consulting LLC in the captioned matter. Since May of 2006 when I filed a pleading in the captioned action for primary counsel who was then away on maternity leave, I have not had any ongoing responsibility for this matter. Rather, since that time, this matter has been handled exclusively by Donna L. Culver who has filed numerous pleadings on behalf of the Trustee. As a result, I believed that she was receiving electronic notifications pertaining to this matter.

2. On March 9, 2007, I received an electronic notice of the Court's Order scheduling a telephonic status and scheduling conference in the action for March 28, 2007. However, as a result of my lack of involvement in the case and my mistaken belief that Ms. Culver was receiving copies of the electronic notices in the case, I did not forward it to her attention until March 26, 2007 when I received electronic notice of the Court's oral order inquiring as to the status of the Joint Status Report. Upon receiving that notice, I consulted with Ms. Culver and learned for the first time that she had not been receiving electronic notices related to the case, and was not aware of the status conference scheduled by the Court.

3. It is my practice to regularly review electronic notifications in all cases in which I am actively participating. However, due to the sheer volume of electronic notifications

that I receive on a daily basis, I do not regularly review notifications pertaining to cases in which I have no continuing involvement. Had I known that Ms. Culver was not receiving electronic notifications pertaining to this matter, I would have taken action to make certain that those communications were forwarded to her for action.

I declare under penalty of perjury that the foregoing is true and correct.



Curtis S. Miller

March 26, 2007

**CERTIFICATE OF SERVICE**

I, Donna L. Culver, certify that I am not less than 18 years of age, and that service of the foregoing **Oolenoy Valley Consulting LLC's Motion For Continuance Of Scheduling Conference** was caused to be made on March 26, 2007, in the manner indicated upon the parties identified on the attached service lists.

Date: March 26, 2007

*/s/Donna L. Culver*  
\_\_\_\_\_  
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